

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Earnest Lee White Jr.

Docket No. 7:18-CR-165-1D

Petition for Action on Supervised Release

COMES NOW Kristyn Super, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Earnest Lee White Jr., who, upon an earlier plea of guilty to Distribution of a Quantity of Cocaine Base (Crack), in violation of 21 U.S.C. § 841(A)(1), and 21 U.S.C. § 841(b)(1)(C), and Distribution of a Quantity of Cocaine Base (Crack) Within 1,000 Feet of an Elementary School, in violation of 21 U.S.C. § 841(a)(1), and 21 U.S.C. § 841(b)(1)(C), and 21 U.S.C. § 860, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on June 24, 2019, to the custody of the Bureau of Prisons for a term of 21 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 6 years.

Earnest Lee White Jr. was released from custody on April 3, 2020, at which time the term of supervised release commenced.

On April 28, 2020, a Violation Report was submitted to the court reporting that the defendant tested positive for cocaine, oxycodone, oxymorphone, and marijuana on April 7, 2020. As he had recently engaged in outpatient substance abuse treatment his supervision was permitted to continue.

On May 21, 2020, a Violation Report was submitted to the court reporting that the defendant tested positive for cocaine, oxycodone, and oxymorphone on April 22, 2020. At that time, supervision was permitted to continue.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 23, 2020, the defendant submitted to a urinalysis screening, which was confirmed as positive for oxymorphone by Alere Laboratories on July 26, 2020. The defendant continues to participate in outpatient substance abuse treatment and his counselor has been advised of the positive urinalysis screening. Additionally, on August 7, 2020, the defendant was charged with Driving While License Revoked: Not Impaired Revocation by the Jacksonville Police Department in Jacksonville, North Carolina. The defendant admits to the violation conduct and the charge remains pending in Onslow County District Court (20CR053909). As a sanction for the violation conduct, it is respectfully recommended that the defendant be placed on curfew, to include location monitoring with radio frequency monitoring.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ David W. Leake
David W. Leake
Supervising U.S. Probation Officer

/s/ Kristyn Super
Kristyn Super
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5104
Executed On: August 17, 2020

ORDER OF THE COURT

Considered and ordered this 18 day of August, 2020, and ordered filed and
made a part of the records in the above case.

J. Dever
James C. Dever III
U.S. District Judge